

Application No.: 10/596,826
Filing Date: June 26, 2006

REMARKS

Claims 1-20 have been canceled. The new claims are substantially equivalent to the previously pending claims, as set forth in the following table.

New	21	22	23	24	25	26	27	28	29	30	31
Previous	6+7	8	2	3	4	5	15+18	16	17	19	20

Thus, no new matter has been added. Applicant respectfully requests entry of the amendments and reconsideration of the present application in view of the amendments and following remarks.

Double Patenting

Claims 1-6, 9-11, 14-17 have been rejected on the ground of non-statutory obviousness type double patenting as being unpatentable over claims 1-2, 5, and 7-24 of U.S. Patent No. 7081486. As amended herein, Claims 21 and 27 are independent and the rest of the claims are dependent or eventually dependent on the claims. As stated the above, Claim 21 is equivalent to Claim 6 and incorporated with Claim 7 as originally filed. Claims 27 is equivalent to Claim 15 and incorporated with Claim 18 as originally filed. Thus, each of the independent claims incorporates with the subject matter of claims which has not been rejected on this ground. Accordingly, pending claims can not reject on this ground. Applicant respectfully requests withdrawal of the rejection.

Claim Rejections – 35 U.S.C. § 102

Claims 1-6, 9-11, and 14-17 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Imai et al.(7,081,486). As stated above, Claim 7 or 18 which are not rejected on this ground, has been incorporated with independent claim 21 and 27. Accordingly, with the same reason presented above, these are patentable. Applicant respectfully requests withdrawal of the rejection.

Claim Rejections – 35 U.S.C. § 102

Claims 1-8, 14-15, and 18-19 have been rejected under 35 U.S.C. § 102(a) as being anticipated by Imai et al.(7,416,707). As stated above However, Applicant respectfully submits

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that the cited reference does not qualify as prior art under § 102(a) because it has the exact same inventorship. Moreover it was published after the international filing date of the present application. Applicant respectfully requests withdrawal of the rejection.

Claim Rejections

Claims 12 and 13 have been rejected under 35 USC § 103 as being unpatentable over Imai et al (both as cited above). Claims 12 and 13 have been canceled and subject matter of the claims has not been re-introduced, thus rendering this rejection moot.

New Claims

As stated above, Applicant respectfully submits that the new claims are patentable over the cited references.

CONCLUSION

In view of Applicant's foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not

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reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 10, 2009

By:



Daniel E. Altman
Registration No. 34,115
Attorney of Record
Customer No. 20995
(949) 760-0404

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